HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.19163 of 1998

Dated:04.04.2007

Between:

Suryadevara Koteswara Rao.

…Petitioner.

and

Special Officer and Competent Authority, Urban Land Ceiling Act, Guntur and others.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.19163 of 1998

ORDER:

This Writ Petition is filed assailing the notice, dated 10.06.1993, issued by the Special Officer and Competent Authority, Urban Land Ceiling Act, Guntur, the 1st respondent herein, under sub-section (5) of Section 10 of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'). A notice is issued to one Sri Suryadevara Satyanarayana, who is said to have submitted the declaration. He was informed that an extent of 53318.59 square meters of land has been declared as excess, and he was required to deliver possession thereon.

The petitioner claims to be the nephew of the declarant, Suryadevara Satyanarayana. It is stated that the declarant died in the year 1990 and his brother Gopala Krishna, who is the father of the petitioner, had also died. The wife of declarant is said to have predeceased him. Therefore, the petitioner states that he has inherited to the entire property. The ground urged by the petitioner is that the respondents proceeded to pass orders against a dead person.

The respondents have not filed any counter-affidavit.

Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition.

Except the statement of the petitioner that he has inherited to the estate of Suryadevara Satyanarayana, there is nothing on record to support his contention. It is not known as to whether any order under Section 8(4) of the Act, determining the holding of the declarant, was passed, during his lifetime, or after his death. Further, there is any amount of uncertainty as to the succession to the estate of Suryadevara Satyanarayana. The petitioner did not file any record to disclose that he is the exclusive successor to the estate of the declarant. Further, this Court did not grant any interim order, while admitting the writ petition on 17.07.1998. It is difficult to imagine that the state of affairs remained the same, even after 9 years.

For the foregoing reasons, the Writ Petition is dismissed. There shall be no order as to costs.

Dt.04.04.2007 **L.NARASIMHA REDDY, J**

GJ